IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8333 of 2005

Between:

Vakulabharanam Srilatha, D/o.Santhoshkumar,
R/o.H.No.2-6-142, Near Krishna Talkies,
Suryapet, Nalgonda Dist.

.... PETITIONER

AND

The Convenor, Ed.CET-2004, O/o. Commissioner & Director of School Education, A.P., Hyderabad.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declare the petitioner is entitled for admission into B.Ed. for the academic year 2005-2006 by treating her aggregate marks 44.58% as 45% in part-II Group subjects in the Graduation level duly applying the rounding of principle in terms of Cir.No.690/B1/KU/1998 dt.17-7-1998 and Cir.No.162/B2/KU/99 dt.12-2-1999 of the Registrar, Kakatiya University Warangal and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.D.NARSING RAO

Counsel for the Respondent: GP FOR SCHOOL EDUCATION

The Court, at the stage of admission, made the following:

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ORDER:

Petitioner seeks a Writ of Mandamus declaring that she is entitled for admission into B.Ed., for the academic year 2004-05 by treating her aggregate marks 44.58 per cent as 45 per cent in part-II group subjects in the graduation level, is arbitrary and illegal.

It is not in dispute that as per the rules made under G.O.Ms.No. 26 (School Education & Training) A1 dated 03.02.2005 only those candidates who have passed the qualifying examination with an aggregate of 45 per cent marks and above are eligible for admission.

Petitioner does not dispute the fact that she has not secured the requisite 45 per cent in Group-II subjects. But her case is that she has secured 44.58 per cent and the same shall be treated as 45 per cent as decided by the Kakatiya University, Warangal. The petitioner relies upon a letter of the Registrar of the Kakatiya University, Warangal dated 12.02.1999 whereunder the principals of the affiliated colleges of the university were informed that the Vice Chancellor, in anticipation of approval by the academic bodies had accorded permission to treat 0.5 per cent and above as one per cent for the purpose of calculating the percentage of marks in deciding eligibility conditions at the qualifying examination for admission to various courses under the jurisdiction of Kakatiya University.

However, nothing has been placed before this Court to show that the decision said to have been taken by the Kakatiya University in the year 1999 is made applicable to other universities also. At any rate, it is for the respondent Convenor to consider the said issue and to take appropriate decision.

Hence, the Writ of Mandamus as prayed for cannot be granted merely on the basis of the decision of one of the Universities which appears to have been taken in the year 1999. However, I deem it appropriate to dispose of the writ petition leaving it

open to the respondent to consider the request made by the petitioner to treat 44.58 per cent secured by her in the qualifying examination as 45 per cent and to pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

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15.04.2005

Note : Furnish C.C. by 19.04.2005.

(B/O)

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To

1. The Convenor, Ed.CET-2004, O/o. Commissioner & Director of School Education, A.P., Hyderabad.

2. 2 CCs to the GP for School Education, High Court buildings, Hyderabad (OUT).

3. 2 CD copies.